



January 9, 2018

---

---

## SENATE BILL No. 155

---

DIGEST OF SB 155 (Updated January 8, 2018 11:17 am - DI 84)

**Citations Affected:** IC 3-11; IC 3-11.5.

**Synopsis:** Deceased voters. Requires that an absentee ballot marked and forwarded by a voter who subsequently dies must be counted if the absentee ballot would otherwise be entitled to be counted if the voter had not died.

**Effective:** Upon passage.

---

---

### Walker, Ford

---

---

January 3, 2018, read first time and referred to Committee on Elections.  
January 8, 2018, reported favorably — Do Pass.

---

---

SB 155—LS 6320/DI 75





January 9, 2018

Second Regular Session 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

## SENATE BILL No. 155

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 3-11-10-23 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. ~~If proof is given~~  
3 ~~to a precinct election board that~~ **(a) This section applies if** an absentee  
4 voter:

5 (1) marked and forwarded an absentee ballot; **and**  
6 (2) ~~but died before election day; then the inspector shall return the~~  
7 ~~ballot of the deceased voter with the other defective ballots to the~~  
8 ~~officer issuing the ballots. However, the casting of an~~  
9 ~~subsequently dies.~~

10 **(b) The deceased voter's** absentee ballot ~~by a deceased voter does~~  
11 ~~not invalidate an election. shall be counted if the absentee ballot~~  
12 ~~would otherwise be entitled to be counted if the voter had not died.~~

13 SECTION 2. IC 3-11.5-4-17 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) ~~If proof is~~  
15 ~~given to the absentee ballot counters that~~ **This section applies if** an  
16 absentee voter:

17 (1) marked and forwarded an absentee ballot; **and**

SB 155—LS 6320/DI 75



1           (2) but died before election day, the ballot of the deceased voter  
2           shall be rejected under section 13 of this chapter and retained  
3           with the other rejected ballots under section 14 of this chapter.  
4           **subsequently dies.**

5           (b) The casting of an **deceased voter's** absentee ballot by a  
6           deceased voter does not invalidate an election. **shall be counted if the**  
7           **absentee ballot would otherwise be entitled to be counted if the**  
8           **voter had not died.**

9           SECTION 3. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 155, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 155 as introduced.)

WALKER, Chairperson

Committee Vote: Yeas 9, Nays 0

